

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION NO. 9488 OF 2017

ORDER:

This Writ Petition was filed challenging the action of respondents 1 to 3, in making wilful false statement before this Court, which resulted in closure of W.P.No. 3695 of 2016, dated 29.2.2016.

The petitioner herein, earlier filed the said W.P.No. 3695 of 2015, challenging the action of the 4th respondent, in not registering the complaint dated 14.2.2015, lodged by the petitioner herein, against the 5th respondent, who is his daughter-in-law. The said Writ Petition was disposed of giving liberty to the petitioner to make a fresh complaint to the police authorities, as the SHO, I Town Police Station, Kakinada , East Godavari District, furnished written instructions on 18.6.2015, to the learned Government Pleader for Home stating that the complaint dated 14.2.2015 was not received by them.

In the present Writ Petition, the petitioner filed proof of sending the complaint by registered post, and in view of the said proof, he seeks a writ of Mandamus to declare the action of the police in making wilful false statement, as illegal and punishable under Section 193 IPC.

In view of the liberty granted by this Court in W.P.No. 3695 of 2015, the petitioner in all fairness should have lodged a fresh complaint, if he was aggrieved.

A reading of the earlier complaint shows that the 5th respondent in the earlier Writ Petition, who is his daughter-in-law, forcibly entered into

the house and locked the door. Whether such an allegation constitutes an offence or not cannot be decided in the present Writ Petition, and after lodging the said complaint, two years have elapsed and O.P.No. 91 of 2013, is pending before the Family Court, Rajahmundry, between the son of the petitioner and the daughter-in-law. Thus, the petitioner, instead of lodging a complaint filed the present Writ Petition, seeking declaration of the earlier instructions issued by the Police as false, and for taking action against them under Section 193 IPC. If the petitioner was aggrieved, he should have exercised the freedom granted by this Court by lodging a fresh complaint.

In the circumstances, this Writ Petition is dismissed. But, however, it is open to the petitioner to take appropriate legal proceedings, if he has any grievance in view of the subsequent developments. It is needless to observe that if the petitioner is given a fresh complaint, the Police shall take action in accordance with law. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, pending if any, shall stand closed.

A. RAMALINGESWARA RAO, J

DATE: 17.03.2017

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